

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: DEPUY ORTHOPAEDICS, INC., ASR HIP
IMPLANT PRODUCTS LIABILITY LITIGATION**

MDL No. 2197

**IN RE: DEPUY ORTHOPAEDICS, INC., PINNACLE HIP
IMPLANT PRODUCTS LIABILITY LITIGATION**

MDL No. 2244

Kenneth W. Foss, et al. v. DePuy Orthopaedics, Inc., et al.)
D. Minnesota, C.A. No. 0:11-01542)

**MDL No. 2197 CONDITIONAL TRANSFER ORDER (CTO-55)
WITH SEPARATION, REMAND AND
MDL No. 2244 CONDITIONAL TRANSFER ORDER (CTO-11)**

On December 3, 2010, the Panel transferred 7 civil actions to the United States District Court for the Northern District of Ohio for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* _F.Supp.2d_ (J.P.M.L. 2010). Since that time, 470 additional actions have been transferred to the Northern District of Ohio. With the consent of that court, all such actions have been assigned to the Honorable David A Katz.

On May 23, 2011, the Panel transferred 3 civil actions to the United States District Court for the Northern District of Texas for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* _F.Supp.2d_ (J.P.M.L. 2011). Since that time, 68 additional actions have been transferred to the Northern District of Texas. With the consent of that court, all such actions have been assigned to the Honorable James Edgar Kinkeade.

It appears that the action(s) on this conditional transfer order comprises claims relating to: (1) the DePuy ASR Hip Implant, which involve common questions of fact with the previously transferred MDL No. 2197 actions; and (2) the DePuy Pinnacle Hip Implant, which involve common questions of fact with the previously transferred MDL No. 2244 actions.

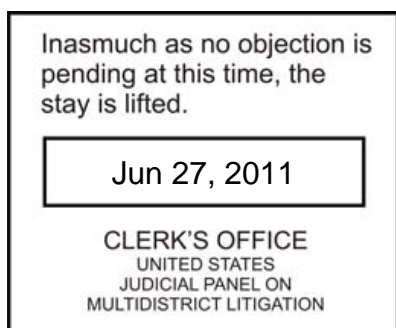
Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on this conditional transfer order is transferred under 28 U.S.C. §1407 to the Northern District of Ohio for the reasons stated in the order of December 3, 2010, and, with the consent of that court, assigned to the Honorable David A Katz.

The claims in this action(s) relating to the DePuy Pinnacle Hip Implant are hereby separated and simultaneously remanded, under 28 U.S.C. § 1407(a), to the District of Minnesota.

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Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the resulting DePuy Pinnacle Hip Implant action(s) is transferred under 28 U.S.C. §1407 to the Northern District of Texas for the reasons stated in the order of May 23, 2011, and, with the consent of that court, assigned to the Honorable Edgar Kinkeade.

This order does not become effective until it is filed in the offices of: (1) Clerk of the United States District Court for the Northern District of Ohio; and (2) the Clerk of the United States District Court for the Northern District of Texas. The transmittal of this order to said Clerks shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.



FOR THE PANEL:

Jeffery N. Lüthi
Clerk of the Panel

I hereby certify that this instrument is a true and correct copy of the original on file in my office.

Attest: Geri M. Smith, Clerk

U.S. District Court

Northern District of Ohio

By: s/R Schumitsh

Deputy Clerk

